

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
VS. § MAGISTRATE NO. 2:12-MJ-01272-1
JERSON ANGELO G. EBARVIA §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(A); and
- (2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant is significant. The findings and conclusions contained in paragraphs one through six of the Pretrial Services Report are adopted, supplemented by the testimony of DEA Agent Suzanne Minnick. The defendant is a resident alien facing a ten-year minimum mandatory sentence and deportation if convicted. There is presently an immigration detainer on the defendant, and he would be deported if released on bond. The defendant, a contract employee of Panther Expedited, was missing and unavailable to accept loads to transport during a period of time when he

was obviously using the Panther Expedited truck without authorization in June and July of 2012. Defendant was not truthful to Pretrial Services when he advised them that he was employed by Panther Expedited because his employment with that company had been terminated as of the end of November 2012. The defendant is a poor bond candidate.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 12th day of December, 2012.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE